

Application No. 09/927,925  
Response to Final Office Action

Customer No. 01933

### R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

### ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claim 6 is again respectfully acknowledged.

Claim 6, however, has not been rewritten in independent form at this time since, as set forth in detail hereinbelow, it is respectfully submitted that its parent claim 5 also recites allowable subject matter.

### CLAIM AMENDMENTS

Independent claims 1, 2, 5 and 8 have been amended to clarify that the data representing the reproduction status of the audio data is character data representing at least an elapsed reproduction time of the audio data being reproduced, which is displayed as information of a reproduction status of the audio data. See, for example, the disclosure in the specification at page 24, lines 1-6.

In addition, claims 3 and 9 have been amended to better accord with their respective amended parent claims 2 and 8.

No new matter has been added, and it is respectfully submitted that the amendments to claims 1-3, 5, 8 and 9 are

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clarifying in nature. Accordingly, it is respectfully requested that the amendments to the claims be approved and entered under 37 CFR 1.116.

#### THE PRIOR ART REJECTION

Claims 1 and 7-9 were rejected under 35 USC 102 as being anticipated by US 2002/0021262 (previously cited "Ejima et al"); claim 2 was rejected under 35 USC 102 as being anticipated by US 2002/0057351 (previously cited "Suzuki et al"); claim 3 was rejected under 35 USC 103 as being obvious in view of the combination of Suzuki et al and USP 6,774,939 (previously cited "Peng"); and claim 5 was rejected under 35 USC 103 as being obvious in view of the combination of Ejima et al and Peng. These rejections, however, are respectfully traversed.

#### Re: Independent Claims 1 and 8

According to the present invention as recited in amended independent claim 1, the display means of the data recording and reproducing apparatus displays, while the audio data reproducing means is reproducing the audio data, first information including character data representing at least an elapsed reproduction time of the audio data being reproduced as information of a reproduction status of the audio data, and displays second

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information including image data associated with the audio data being reproduced.

According to the present invention as recited in amended independent claim 8, moreover, the display means of the data recording and reproducing apparatus displays, while the audio data reproducing means is reproducing the audio data, first information including character data representing at least an elapsed reproduction time of the audio data being reproduced as information of a reproduction status of the audio data, and displays second information including image data associated with a time elapsed during recording of the audio data that the audio data reproducing means is reproducing.

On page 2 of the Final Office Action, the Examiner asserts that the data set number, audio mark and time shown in Fig. 9 of Ejima et al "inherently corresponds [sic] to character data representing the reproduction status of audio data."

It is respectfully pointed out, however, that as explained in the Amendment filed on October 26, 2005, the data "RECORDING DATE", "AUDIO MARK" and "AUDIO TIME," shown in Fig. 9 of Ejima et al merely indicate different sets of recorded data. Thus, as explained in paragraph [0075] of Ejima et al, the data set 1 in Fig. 9 includes image data captured at 8:30 and audio data corresponding to three seconds of audio. Thus, the data shown in Fig. 9 of Ejima et al is merely identifying data and clearly does

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not at all correspond to character data representing at least an elapsed reproduction time of the audio data being reproduced, as according to the present invention as recited in amended independent claims 1 and 8.

As pointed out in the Amendment filed on October 26, 2005, Ejima et al does not disclose, teach or suggest displaying data to indicate, for example, that the 2<sup>nd</sup> of three seconds of audio data of data set 1 is currently being played, but rather merely discloses displaying that data set 1 includes 3 seconds of audio. Accordingly, it is respectfully submitted that Ejima et al does clearly not disclose, teach or even remotely suggest the character data representing at least an elapsed reproduction time of the audio data being reproduced as information of a reproduction status of the audio data (i.e. information of the status of an ongoing reproduction), as according to the present invention as recited in amended independent claims 1 and 8.

As explained hereinbelow with respect to independent claim 7, moreover, Ejima et al does not disclose recording image data in association with a time elapsed during recording of the audio data, while the audio data recording means is recording the audio data. And it is respectfully submitted, therefore, that Ejima et al also clearly does not disclose second information including image data associated with a time elapsed during

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recording of the audio data that the audio data reproducing means is reproducing, as recited in independent claim 8.

Re: Independent Claim 2

According to the present invention as recited in amended independent claim 2, a data recording and reproducing apparatus is provided which comprises: audio data reproducing means for reproducing selected audio data; display means for displaying at least image data associated with the selected audio data; instruction means for instructing whether to display the image data with the display means when the audio data reproducing means reproduces the audio data; and control means for causing the display means to display character data representing at least an elapsed reproduction time of the audio data being reproduced as information of a reproduction status of the audio data, when the instruction means instructs the display means not to display the image data.

On page 2 of the Final Office Action, the Examiner asserts "the playback category is the reproduction status of audio data where a user can select from characters [A], [B] or [R]."

As pointed out in the Amendment filed on October 26, 2005, Suzuki et al discloses selecting a "sound effect" screen from a setting selection screen shown in Fig. 13 thereof. In Suzuki et al, depending upon the selection made in Fig. 15 thereof a sound

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effect A or sound effect B will be reproduced, or a sound can be recorded with a voice recorder (when "R" is selected). However, as pointed out in the Amendment filed on October 26, 2005, none of the displayed data shown in Figs. 12, 13 and 15 of Suzuki et al relates to a status of audio data being reproduced. Indeed, Suzuki et al discloses that characters [A], [B] and [R] are displayed during setting of a sound effect; however, Suzuki et al does not at all suggest that these characters are displayed during reproduction of the sound effect.

It is respectfully pointed out, moreover, that even if the display of characters [A], [B] and [R] of Suzuki et al could be interpreted as a reproduction status of audio data, these characters clearly do not correspond to character data representing at least an elapsed reproduction time of the audio data being reproduced, as according to the present invention as recited in amended independent claim 2.

Re: Independent Claim 5

According to the present invention as recited in independent claim 5, a data recording and reproducing apparatus is provided which is capable of reproducing audio data and image data associated with a part of the audio data that is recorded at a moment when the image data is generated. As recited in amended independent claim 5, the apparatus comprises: display means for

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displaying an operating status of the apparatus; and control means for causing the display means to display first information including character data representing at least an elapsed reproduction time of the audio data being reproduced as information of a reproduction status of the audio data while the audio data is being reproduced, and for displaying second information including the image data associated with said part of the audio data, when said part of the audio data is reproduced.

As explained above with respect to claims 1 and 8, Ejima et al does not disclose, teach or suggest displaying character data representing at least an elapsed reproduction time of the audio data being reproduced as information of a reproduction status of the audio data while the audio data is being reproduced.

And it is respectfully submitted that Peng also does not disclose, teach or suggest this feature of the present invention as recited in claim 5.

Re: Independent Claim 7

According to the present invention as recited in independent claim 7, a data recording and reproducing apparatus having a function of recording audio data and image data associated with the audio data is provided which comprises: audio data recording means for recording audio data; and imaging means for recording image data in association with a time elapsed during recording

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of the audio data, while the audio data recording means is recording the audio data.

That is, according to the present invention as recited in independent claim 7, the image data is recorded while the audio data is being recorded, and is recorded in association with a time that elapses during recording of the audio data.

On page 4 of the Final Office Action, the Examiner asserts that Ejima et al discloses this feature of the present invention because according to Ejima et al "the audio data accompanying the image data was recorded."

As recognized by the Examiner, Ejima et al discloses that audio data may be recorded in association with image data. However, this is not the only feature that claim 7 recites. According to claim 7, the image data is recorded while the audio data recording means is recording the audio data.

By contrast, according to Ejima et al, an image is first captured. Then audio data input within the next, for example, 3 seconds is determined to be associated with the previously recorded image data. See, for example, Ejima et al at: paragraph [0065] (determining whether audio recording is initiated within a preset time interval "from when the image data was recorded"); paragraph [0072] ("audio data input before a preset time has elapsed from when (i) the image data was recorded"); and paragraph [0073] ("Image data is input by



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depressing the release button 10. Input of sound is followed by depressing the audio recording button 12.") (emphasis added).

Thus, according to Ejima et al image data is first picked up, and then one or more items of audio data may be input in association with the image data by inputting the audio data within a predetermined time after the image data is picked up.

Clearly, recording audio data after recording image data as in Ejima et al cannot logically be considered to mean recording image data while recording audio data as in the present invention. And clearly, since Ejima et al merely discloses inputting audio data after recording image data, Ejima et al does not disclose, teach or suggest recording image data in association with a time elapsed during recording of the audio data. Thus, it is not possible to reproduce image data in association with a time elapsed during audio data reproduction, as is possible according to the present invention as recited in claim 7.

Accordingly, it is respectfully submitted that Ejima et al does not disclose, teach or suggest imaging means for recording image data in association with a time elapsed during recording of the audio data, while the audio data recording means is recording the audio data, as according to the present invention as recited in independent claim 7.

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In view of the foregoing, it is respectfully submitted that each of independent claims 1, 2, 5, 7 and 8, as well as each of claims 3, 6 and 9 respectively depending from claims 2, 5 and 8, all clearly patentably distinguish over all of the cited prior art references, taken singly or in any combination, under 35 USC 102 as well as under 35 USC 103.

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,



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